

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CLERK  
U.S. DISTRICT COURT  
06 MAY 17 PM 2:07  
TEXAS-EASTERN

ERIC L. KITCHENS §  
VS. § CIVIL ACTION NO. 4:05cv331  
ROBERT E. NEWSOME §

BY \_\_\_\_\_

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Eric L. Kitchens, formerly an inmate at the Collin County Detention Center, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.


The court referred this matter to the Honorable Don D. Bush, United States Magistrate Judge, at Sherman, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 16<sup>th</sup> day of May, 2006.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE